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8 Attorneys for Defendant  
9 HILTON HOTELS CORPORATION

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DOANE ATWOOD, individually and on behalf  
of Class of Persons similarly situated,

Plaintiffs,

v.

CITY OF SAN RAFAEL, CHIEF MATTHEW  
ODETTO, OFFICER ROLEGIO LEON,  
OFFICER ROBERT HENKEL, OFFICER  
RICHARD CLARY, OFFICER AARON  
PIOMBO, EMBASSY SUITES HOTEL, and  
DOES I through X, inclusive,

Defendants.

Case No. CV 08 5002 EMC

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING TIME FOR  
ALL DEFENDANTS TO RESPOND  
TO PLAINTIFF'S COMPLAINT**

**RECITALS**

WHEREAS, Plaintiff DOANE ATWOOD ("Plaintiff") filed this action against defendants CITY OF SAN RAFAEL, CHIEF MATTHEW ODETTO, OFFICER ROLEGIO LEON, OFFICER ROBERT HENKEL, OFFICER RICHARD CLARY, OFFICER AARON PIOMBO AND HILTON HOTEL CORPORATION (erroneously sued as "Embassy Suites Hotel") ("Defendants") on or about November 3, 2008;

WHEREAS, Plaintiff requested Defendant HILTON HOTELS CORPORATION waive formal service on or about November 25, 2008 by mailing a copy of the Complaint and waiver of

1 service to counsel for Defendant HILTON HOTELS CORPORATION;

2 **WHEREAS**, Defendant HILTON HOTEL CORPORATION'S responsive pleading to the  
3 Complaint is due on or about January 24, 2009;

4 **WHEREAS**, Defendants and CITY OF SAN RAFAEL, CHIEF MATTHEW ODETTO,  
5 OFFICER ROLEGIO LEON, OFFICER ROBERT HENKEL, OFFICER RICHARD CLARY,  
6 and OFFICER AARON PIOMBO have not yet been served with the Complaint;

7 **WHEREAS**, the Parties have agreed to attend mediation before the Honorable Charles A.  
8 Legg (Ret.) prior to Defendants filing responsive pleadings in this matter;

9 **WHEREAS**, there have been no prior time modifications in this matter; and

10 **WHEREAS**, the change requested herein would require continuance of the Initial Case  
11 Management Conference, currently set for January 21, 2009, and related deadlines:

12 **AGREEMENT**

13 Pursuant to Civil Local Rule 6-2, the parties hereby stipulate as follows:

14 Defendants CITY OF SAN RAFAEL, CHIEF MATTHEW ODETTO, OFFICER  
15 ROLEGIO LEON, OFFICER ROBERT HENKEL, OFFICER RICHARD CLARY, OFFICER  
16 AARON PIOMBO AND HILTON HOTEL CORPORATION will provide Plaintiff DOANE  
17 ATWOOD with a waiver of formal service of the Summons and Complaint by January 15, 2009.

18 The Parties will Mediate this matter before Honorable Charles A. Legg (Ret.) by  
19 March 15, 2009.

20 If Mediation is unsuccessful, Defendants CITY OF SAN RAFAEL, CHIEF MATTHEW  
21 ODETTO, OFFICER ROLEGIO LEON, OFFICER ROBERT HENKEL, OFFICER RICHARD  
22 CLARY, OFFICER AARON PIOMBO AND HILTON HOTEL CORPORATION respond to  
23 Plaintiff DOANE ATWOOD'S Complaint by March 30, 2009.

24 The Initial Case Management Conference, currently set for January 21, 2009, will be  
25 continued according to this Court's timeline.

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1                   In so stipulating, Defendants expressly reserve their rights to object to the jurisdiction of  
2 a Magistrate Judge, and request reassignment to a District Judge.

3                   Respectfully submitted,

6                   Date: January \_\_\_, 2009

BRUCE NICKERSON

8                   By \_\_\_\_\_

9                   Bruce W. Nickerson  
10                   Attorney for Plaintiff  
11                   DOANE ATWOOD

12                   Date: January \_\_\_, 2009

JACKSON LEWIS, LLP

13                   By \_\_\_\_\_

14                   Jamerson C. Allen  
15                   Courtney L. McDevitt  
16                   Attorneys for Defendant  
17                   HILTON HOTELS CORPORATION

18                   Dated: January 6, 2009

BERTRAND, FOX & ELLIOT

19                   By \_\_\_\_\_

20                   Tom Bertrand  
21                   Attorney for Defendants  
22                   CITY OF SAN RAFAEL, CHIEF  
23                   MATTHEW ODETTO, OFFICER  
24                   ROLEGIO LEON, OFFICER  
25                   ROBERT HENKEL, OFFICER  
26                   RICHARD CLARY, and OFFICER  
27                   AARON PIOMBO

1 In so stipulating, Defendants expressly reserve their rights not to consent to the  
2 jurisdiction of a Magistrate Judge, and request reassignment to a District Judge.  
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5 Respectfully submitted,  
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7 Date: January 7, 2009  
8

BRUCE NICKERSON

9 By Bruce W. Nickerson  
10

Bruce W. Nickerson  
11 Attorney for Plaintiff  
12 DOANE ATWOOD

13 Date: January 9, 2009  
14

JACKSON LEWIS LLP

15 By Jamerson C. Allen  
16

Jamerson C. Allen  
Courtney L. McDevitt  
17 Attorneys for Defendant  
18 HILTON HOTELS CORPORATION

19 Dated: January 7, 2009  
20

BERTRAND, FOX & ELLIOT

21 By Tom Bertrand  
22

23 Tom Bertrand  
24 Attorney for Defendants  
25 CITY OF SAN RAFAEL, CHIEF  
26 MATTHEW ODETTO, OFFICER  
27 ROLEGIO LEON, OFFICER  
28 ROBERT HENKEL, OFFICER  
RICHARD CLARY, and OFFICER  
AARON PIOMBO

PROPOSED ORDER

Based on the foregoing, and good cause so appearing, the Court hereby orders:

1. Defendants CITY OF SAN RAFAEL, CHIEF MATTHEW ODETTO, OFFICER ROLEGIO LEON, OFFICER ROBERT HENKEL, OFFICER RICHARD CLARY, OFFICER AARON PIOMBO AND HILTON HOTEL CORPORATION will provide Plaintiff DOANE ATWOOD with a waiver of formal service of the Summons and Complaint by January 15, 2009.

2. The Parties will Mediate this matter before Honorable Charles A. Legg (Ret.) by March 15, 2009.

3. If Mediation is unsuccessful, Defendants CITY OF SAN RAFAEL, CHIEF MATTHEW ODETTO, OFFICER ROLEGIO LEON, OFFICER ROBERT HENKEL, OFFICER RICHARD CLARY, OFFICER AARON PIOMBO AND HILTON HOTEL CORPORATION respond to Plaintiff DOANE ATWOOD'S Complaint by March 30, 2009.

4. The Initial Case Management Conference, currently set for January 21, 2009, is hereby continued to April 15, 2009 at 1:30 p.m. A Joint CMC statement is due April 8, 2009.

5. The dates set forth in this Court's Order Setting Initial Case Management Conference and ADR Deadlines are continued accordingly.

6. Defendants' rights to object to the jurisdiction of the Magistrate Judge and request reassignment to a District Judge are reserved.

## IT IS SO ORDERED.

DATED: January 13, 2009

